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Nov 26 2003 9:59

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p. 1

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## FACSIMILE TRANSMITTAL

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**To:** Office of Initial Patent Examination's Filing Receipt Corrections **Fax:** 703/746-9195

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**From:** Robin King for Mark C. Pickering **Date:** November 26, 2003

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**Re:** Second Request for Corrected Filing Receipt for 10/634,179 **Pages:** 9 (including cover sheet)

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## Second Request to Correct Official Filing Receipt

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Waclaw C. Koscielniak

Appln. No.: 10/634,179

Filed: August 5, 2003

For: PHOTONIC CRYSTALS USING A  
SEMICONDUCTOR-BASED FABRICATION  
PROCESS (as amended)

Group Art Unit: 2873

Examiner: Unknown

SECOND REQUEST TO CORRECT  
OFFICIAL FILING RECEIPT

Office of Initial Patent Examination's Filing Receipt Corrections  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

Enclosed please find a copy of the Filing Receipt (with corrections to filing fee received, total claims and independent claims indicated). Pursuant to the Preliminary Amendment filed with this divisional application (copy attached) on August 5, 2003 (postal return receipt postcard attached), there are 6 total claims and 1 independent claim pending. Please make the necessary three corrections and forward the corrected Filing Receipt to the correspondence address indicated below.

Respectfully submitted,

Dated: 11-26-03By: Mark C. Pi

Mark C. Pickering  
 Registration No. 36,239

Attorney for Assignee

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 Customer No. 33402

Atty. Docket No.: 100-15210  
 (P05000-D01)

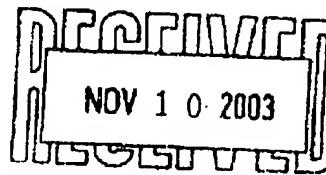
-1-


**UNITED STATES PATENT AND TRADEMARK OFFICE**

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/634,179	08/05/2003	2873	894 750	100-15210 (P05000-D01)	6	X36	X1

33402  
 LAW OFFICES OF MARK C. PICKERING  
 P.O. BOX 300  
 PETALUMA, CA 94953



CONFIRMATION NO. 7113

FILING RECEIPT



\*OC000000011207461\*

Date Mailed: 11/06/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Waclaw C. Koscieniak, Santa Clara, CA;

**Domestic Priority data as claimed by applicant**

This application is a DIV of 09/929,661 08/14/2001 PAT 6,633,427

**Foreign Applications**

If Required, Foreign Filing License Granted: 11/05/2003

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

**Title**

Photonic crystals using a semiconductor-based fabrication process

**Preliminary Class**

359

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Cod , S ction 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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Express Mail Number EV 342470428445 PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****In re Patent Application of:**

Waclaw C. Koscielniak

Appn. No.: Divisional of 09/929,661

Filed: August 5, 2003

For: PHOTONIC CRYSTALS USING A  
SEMICONDUCTOR-BASED  
FABRICATION PROCESS  
(as amended)

Group Art Unit: Unknown

Examiner: Unknown

**PRELIMINARY AMENDMENT****INTRODUCTORY COMMENTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is a Preliminary Amendment. Please amend the above-identified application as indicated on the following pages.

Divisional of 09/929,661  
**PRELIMINARY AMENDMENT**

-1-

15210  
Attorney Docket No. 100-16810  
(P05000-D01)

PATENTAMENDMENTS TO THE SPECIFICATION

Please amend the title in all instances as follows:

**METHOD OF FORMING PHOTONIC CRYSTALS USING A SEMICONDUCTOR-BASED FABRICATION PROCESS**

Please insert the following paragraph before the first paragraph on page 1:

This is a divisional application of Application Serial No. 09/929,661 filed on August 14, 2001.

Divisional of 09/929,661  
PRELIMINARY AMENDMENT

-2-

15210  
Attorney Docket No. 100-16810  
(P05000-D01)

PATENTAMENDMENTS TO THE CLAIMS

Claims 1-14 (Cancelled).

15. (Original) A photonic crystal formed on a semiconductor substrate, the substrate having a receiving region, the photonic crystal comprising:

a plurality of spaced-apart photonic stacks formed over the receiving region of the substrate, the photonic stacks having top surfaces, each photonic stack having a plurality of layers of material that alternate between a first layer of material and a second layer of material, the first layer of material having a first dielectric constant, the second layer of material having a second dielectric constant; and

an interstack material formed over the substrate between and adjoining the plurality of photonic stacks.

16. (Original) The crystal of claim 15 wherein the first layer of material is a dielectric.

17. (Original) The crystal of claim 15 wherein the interstack material has a top surface that is substantially coplanar with the top surfaces of the stacks.

18. (Original) The crystal of claim 15 wherein the interstack material has a top surface that is above the top surfaces of the stacks.

19. (Original) The method of claim 15 wherein the layer of interstack material is a dielectric having a dielectric constant that is equal to the dielectric constant of the layer of first material.

20. (Original) The method of claim 15 wherein the layer of interstack material is a dielectric having a dielectric constant that is different from the dielectric constant of the layer of first material.

PATENTREMARKS

This is a preliminary amendment to a divisional application. Claim 15-20 are in this application. Claims 1-14 have been cancelled. In addition, the title has been amended to reflect the apparatus claims, and the specification has been amended to identify the prior application information.

Respectfully submitted,

Dated: 8-5-03

By: Mark C. Pickering

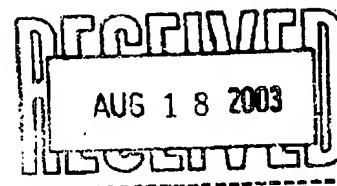
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Divisional of 09/929,661  
PRELIMINARY AMENDMENT

-4-

15210  
Attorney Docket No. 100-16810  
(P05000-D01)



(Div. of 100-15200)

Patent Appln. No. **NEW**

In the Matter of the Application of:

File No. 100-15210

By: MCEP

Title: *Macaw C. Koscieniak*  
 Photonic Crystals Using a Semiconductor-Based.Date Mailed: **08-05-03**

Duly Date:

**08-06-03**

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

Transmittal Letter  
 Patent Application **Divisional**  
 14 Pgs. specification including Claims and Abstract  
 Drawings **16** sheet(s) formal  informal (10)  
 Oath/Declaration **(copy)** (16-195)  
 Assignment w/ Form PTO-1595  
 Power of Attorney  
 Small Entity Statement  
 Deposit Account Authorization (in duplicate)  
 Information Disclosure Statement, PTO-1449 w/ 6 refs.  
 Check \$ **750.00**  
 Amendment/Response **(Preliminary)**  
 Request for Extension of Time ( months) (patent)  
 Terminal Disclaimer  
 Notice of Appeal  
 Appeal Brief (in triplicate)  
 Letter to Official Draftsperson  
 Maintenance Fee Transmittal  
 Non Publishing Request

Request For: \_\_\_\_\_  
 Status Inquiry  
 Certificate of Mailing  
 Express Mail Certificate No. **EV342470428165**  
 Certificate under §3.73(h)  
 Certificate of Correction (PTO Form 105(c))  
 Issue Fee Transmittal  
 Fee Transmittal  
 Petition for \_\_\_\_\_  
 Other: \_\_\_\_\_

08306 U.S. PTO  
 10/634179  
  
 08/05/03